IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3020 of 2005

Between:

The Milk Producers Co.operative Society Rep. by its President D. Gokaramaiah S/o. Rangaiah, aged 32 yrs, Occ: Agriculture R/o. Thangadancha Village, Jupadu Bungalow, Mandal, Kurnool District.

... PETITIONER

AND

1 The Gram Panchayat, Thangadancha Village, Jupadu Bungalow Mandal, Kurnool District, Rep. by its Sarpanch.
2 The Panchayat Secretary, Thangadancha Gram Panchayat, Thangadancha Village, Jupadu Bungalow Mandal, Kurnool District.
3 The District Panchayat Officer, Panchayat Raj, Kurnool District, Kurnool.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of MANDAMUS declaring the action of the respondents 1 and 2 in issuing the impugned notice dt. 15-2-2005 as illegal, arbitrary, unconstitutional and violative of Art. 14 of the Constitution of India and consequently direct the respondents not to evict the petitioner society from the office building inThangadancha Village, Jupadu Bungalow Mandal, Kurnool District.

Counsel for the Petitioner: MR.C.B.RAM MOHAN REDDY

Counsel for the Respondent No.1 & 2: Smt. G.Jyothi Eswar,

Counsel for the Respondent No.3: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following:

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ORDER:

It is claimed that the petitioner society was allotted a site with dimensions of 15'X10' for the purpose of construction of milk pooling center and also for locating the office building of the society. However, it is not in dispute that the said land belongs to the Government.

This writ petition is filed aggrieved by the impugned notice issued on 15-02-2005 by the Panchayat Secretary, Thangadancha Grampanchayat, Thangadancha Village, Jupadu Bungalow Mandal, Kurnool District, whereunder the petitioner society was called upon to handover the vacant possession of the said premises stating that the Grampanchayat has passed a resolution to construct a Grampanchayat office in the said site. The petitioner contends that since the said site has been allotted to the society long back, the decision taken by the Grampanchayat to construct a Grampanchayat Office, after demolishing the existing building that too without affording any opportunity to the petitioner society to explain, as arbitrary and illegal.

Having heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents
1 and 2, without expressing any opinion with regard to the claim made by the petitioner, the writ petition is disposed of granting liberty to the petitioner to submit a

representation raising all the objections against the action proposed under the impugned notice dated 15-02-2005, within a period of one week from today. If any such representation is made by the petitioner society, the same shall be considered by the respondents 1 and 2 and appropriate orders shall be passed, within a period of two weeks thereafter. Till such time, the impugned notice shall not be given effect to.

The writ petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 21-02-2005

Note: Issue operative portion by wire.

B/o.

LSK

ASSITANT REGISTRAR

To

1 The Sarpanch, Gram Panchayat, Thangadancha Village, Jupadu Bungalow Mandal, Kurnool District.
2 The Panchayat Secretary, Thangadancha Gram Panchayat, Thangadancha Village, Jupadu Bungalow Mandal, Kurnool District.
3 The District Panchayat Officer, Panchayat Raj, Kurnool District, Kurnool.

4 Two C.Cs. to the Government Pleader for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad. (O.U.T.)

5 Two C.D. copies.